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HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :2943 of 2006

DATED:16-02-2006

Between:

Sudhir D.Nagpurkar

..... PETITIONER

AND

1 The Regional Transport Authority,

R.R.District at Uppal and another

.....RESPONDENTS

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ORAL ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for respondents.

This writ petition has been filed questioning the seizure of the petitioner's Tempo Traveler vehicle bearing No.MH 12 AX 893 as illegal, arbitrary and

unjust, and for a consequential direction to the first respondent herein to release the said vehicle to the petitioner.

From the contents of the vehicle check report dated 28-01-2006, which indicates certain allegations are made against the petitioner that he has misused the vehicle as a contract carriage and the same will attract tax as per the provisions of the A.P. Motor Vehicles Taxation Act for the year ending 31-03-2006. Certain other allegations are also made of not possessing fitness certificate, driving licence etc. So far these aspects are concerned, it is a matter for enquiry by the competent authority. This Court cannot adjudicate in this petition. However, as the vehicle will be subjected to the vagaries of nature, the same can be released pending enquiry by the competent authority.

Having regard to the nature of allegations, this writ petition is disposed of directing the respondents to release the seized Tempo Traveler vehicle bearing No.MH 12 AX 893 to the petitioner on deposit of an amount of Rs.10,000/- (Rupees ten thousand only) by the petitioner with the first respondent and on furnishing an undertaking by the petitioner that the vehicle in question shall not be sold or transferred and will be produced as and when required pending the enquiry to be conducted by the authorities concerned. The payment of the amount of Rs.10,000/- pursuant to this order shall be subject to the outcome of the enquiry and passing of the final order by the competent authority. No order as to costs.

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16th February, 2006

Note:

Furnish C.C.by tomorrow.

B/o.

SKM